

United States Court of Appeals For the First Circuit

No. 17-2106

JAMIE RILEY, individually and as parent of minor child, A.R.; ALAN RILEY, individually and as parent of minor child, A.R.,

Plaintiffs - Appellants,

v.

SCHOOL ADMINISTRATIVE UNIT #23, a/k/a SAU #23,

Defendant - Appellee,

DONALD A. LAPLANTE, Interim Superintendent, SAU #23,

Defendant.

Before

Thompson, Kayatta and Barron,
Circuit Judges.

JUDGMENT

Entered: January 7, 2020

Plaintiffs-appellants, A.R. and his parents, Jamie Riley and Alan Riley, appeal from the district court's dismissal, without prejudice, of their claims under Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101 *et seq.*, and under § 504 of the Rehabilitation Act, 29 U.S.C. § 794. With the underlying suit, plaintiffs sought relief from the defendant-appellee School Administrative Unit #23's refusal to provide a handler for A.R.'s service dog while at school. Applying *Fry v. Napoleon Cnty. Sch.*, 137 S. Ct. 743 (2017), the district court concluded that administrative procedures under the Individuals with Disabilities Education Act ("IDEA") had to be exhausted before the suit could be pursued.

Applying de novo review, and after careful consideration of the record and the submissions of the parties, we grant defendant-appellee's motion for summary disposition and affirm, substantially for the reasons set forth in the District Court's October 12, 2017 Order.

Affirmed.

By the Court:

Maria R. Hamilton, Clerk

cc:

David Paul Slawsky
Kirk C. Simoneau
Dona Feeney
Melissa A. Hewey
Jeanne Kincaid